

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT  
FORM COMPLAINT FOR DAMAGES  
FOR INDIVIDUAL CLAIMS AND  
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

**1. Plaintiff/Deceased Party:**

Gary L. Bussell

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

## Maine

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

## Maine

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

## Washington

7. District Court and Division in which venue would be proper absent direct filing:

## Washington Eastern District Court

8. Defendants (check Defendants against whom Complaint is made):

 C.R. Bard Inc.

 Bard Peripheral Vascular, Inc.

#### **9. Basis of Jurisdiction:**

 Diversity of Citizenship

Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
- G2® Vena Cava Filter
- G2® Express (G2®X) Vena Cava Filter
- Eclipse® Vena Cava Filter
- Meridian® Vena Cava Filter
- Denali® Vena Cava Filter
- Other: \_\_\_\_\_

11. Date of Implantation as to each product:

January 13, 2009

**12. Counts in the Master Complaint brought by Plaintiff(s):**

- Count I: Strict Products Liability – Manufacturing Defect
- Count II: Strict Products Liability – Information Defect (Failure to Warn)
- Count III: Strict Products Liability – Design Defect
- Count IV: Negligence - Design
- Count V: Negligence - Manufacture
- Count VI: Negligence – Failure to Recall/Retrofit
- Count VII: Negligence – Failure to Warn
- Count VIII: Negligent Misrepresentation
- Count IX: Negligence *Per Se*

- Count X: Breach of Express Warranty
- Count XI: Breach of Implied Warranty
- Count XII: Fraudulent Misrepresentation
- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable Washington Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- Count XV: Loss of Consortium
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages
- Other(s): All claims for Relief set forth in the Master Complaint for an amount to be determined by the trier of fact including for the following: (please state the facts supporting this Count in the space immediately below)

On January 13, 2009, Mr. Bussell had a Bard G2 filter installed into his inferior vena cava. As a result Mr. Bussell has suffered damages in an amount to be proven at trial.

13. Jury Trial demanded for all issues so triable?

Yes  
 No

1 RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of May, 2016.

2 **GALLAGHER & KENNEDY, P.A.**

3 By: /s/ Robert W. Boatman

4 Robert W. Boatman

5 Mark S. O'Connor

6 Paul L. Stoller

7 Shannon L. Clark

8 C. Lincoln Combs

9 2575 East Camelback Road

10 Phoenix, Arizona 85016-9225

11 *Attorneys for Plaintiffs*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on this 5th day of May, 2016, I electronically transmitted the  
14 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal  
15 of a Notice of Electronic Filing.

16 /s/Deborah Yanazzo